

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Johann Leban et al

Conf. No.: 5613

Application No.: 10/736,742

Group Art Unit: 1626

Filed: December 17, 2003

Examiner: Coppins, Janet L

For: NOVEL COMPOUNDS AS ANTI-
INFLAMMATORY,
IMMUNOMODULATORY AND ANTI-
PROLIFERATORY AGENTS

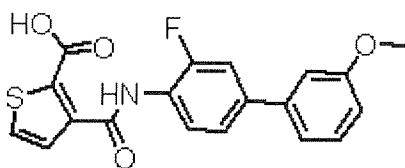
RESPONSE TO RESTRICTION AND ELECTION OF SPECIES REQUIRMENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction and election of species requirements set forth in the Office Action mailed December 28, 2006, Applicants hereby provisionally elect Group I, claims 1-4, for continued examination, with traverse. The traversal is on the grounds that products and their methods of manufacture and use should be examined together in the same application under the spirit of the *In re Ochiai* guidelines since Group II is directed to methods of use of compounds of Group I and Group III is directed methods of making compounds of Group I. Applicants reserve the right to file one or more divisional applications directed to the non elected subject matter in the event these claims are not rejoined with the elected group.

In addition, Applicants elect the species below as a starting point for examination.



After search of the elected species identified *supra*, the Examiner is respectfully requested to continue searching other species within the elected group. This election is made as a starting point for the convenience of the Examiner and is not in any way an indication that Applicants agree to limit the claims of Group I in any manner.

Applicant believes no fee is due with the response. The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 11-0553, under Order No. 2903602.8.

Dated: January 26, 2007

Respectfully submitted,

By /Susan E. Shaw McBee/

Susan E. Shaw McBee

Registration No.: 39,294

Kening Li, Ph.D.

Registration No.: 44,872

BAKER DONELSON BEARMAN CALDWELL &
BERKOWITZ, PC

555 11th Street, NW

6th Floor

Washington, DC 20004

Customer No. 59554

(202) 508-3479

(202) 508-3402 (Fax)

Attorneys for Applicant